

RESOLUTION NO. P-83-1419

RESOLUTION APPROVING ZONING PETITION 83-71 (A), Modification

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-71(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25th August 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The requested modifications do not affect the previous approval's consistency with the Comprehensive Plan provided there are no encroachments upon the ultimate right-of-way for A-1-A.
2. The deletion of Condition 47 is supported by that requirement's inconsistency with related federal regulations as confirmed by the Health Department.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th Day August 1983, that Petition No. 83-71(A) the The petition of J.W. AND HEVEELY KAY BISHOP TO DELETE AND MODIFY THE FOLLOWING SPECIAL CONDITIONS PLACED ON PETITION NO. 83-71 APPROVED ON MAY 27, 1983:

REQUEST: Delete Condition No. 1:

CONDITION NO. 1 STATES:

1. The property owner shall convey to Palm Beach County within ninety (90) days of approval 40 feet from the centerline for the ultimate right-of-way for S.F. 787

(71A), approximately an additional 7 feet of right-of-way.

REQUEST TO MODIFY CONDITION NO. 6C:

CONDITION NO. 6C STATES:

6C) No more than five (5) live-aboard boats shall be allowed to dock at the subject premises at any time nor to be located within 60 feet of the abutting property to the east. The term "live-aboard boats" as used herein, means boats upon which a person or persons are actually living, or using for living regardless of the size of said boat, or the usual classification of same as a "live-aboard" "house boat" or other classification.

REQUEST: MODIFY CONDITION NO. 6C TO READ:

6C) No more than five (5) live-aboard boats shall be allowed to dock at the subject premises at any time. The term "live-aboard boats" as used herein, means boats upon which a person or persons are actually living, or using for living purposes regardless of the size of said boat, or the usual classification of same as a "live-aboard" "house boat" or other classification.

REQUEST: DELETE CONDITION NO. 7:

CONDITION NO. 7 STATES:

7. Shoreside sanitary hook-ups must be provided for any live-aboard boat berths. The following minimum upland facilities shall be provided:

a. Sanitary facilities as follows:

FOR WOMEN

One (1) water closet
One (1) lavatory
One (1) shower

FOR MEN

One (1) water closet
One (1) urinal
One (1) lavatory
One (1) shower

b. An approved potable water source for each slip.

c. Laundry Facilities

d. Sewage pump-out facility to empty on-board holding Tanks and dispose of contents into the sewerage system.

Said property located on the south side of Ocean Boulevard (S.R.A-1-A), approximately .1 mile east of U.S.1 (S.R.5) in a CS-Specialized Commercial District was approved as amended subject to the following conditions:

A. Condition #1, dedication of right-of-way for A1A, not be deleted.

B. Condition #7, be amended to read:

"7. The following minimum upland facilities shall be provided:

a. Sanitary facilities as follows:

FOF WOMEN:

FOF MEN:

One (1) water closet
One (1) lavatory

One (1) water closet
One (1) lavatory

b. An approved potable water source for each slip.

c. No boats having on board holding tanks shall be permitted at this marina unless sewage pump-out facility to empty on-board holding tanks and dispose of contents into the sewerage system are provided:"

C. Condition #6 c) be amended to read:

"6.d) Within 180 days after this approval there shall be no more than five (5) live-aboard boats allowed to dock at the subject premises at any time, nor be located closer than 60 f e e t from the eastern property line. The term 'live-aboard boats' as used herein, means boats upon which a person or persons are actually living, or using for living purposes, regardless of the size of said boat, or the usual classifications of same as a 'live-aboard', 'house boats' or other classifications."

D. All other conditions of Petition 83-71 remain unchanged.

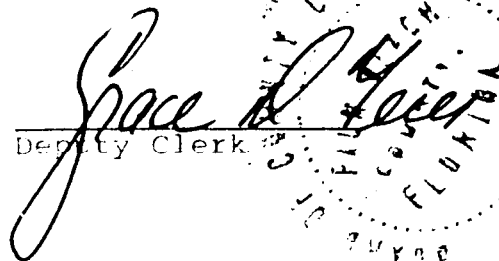

Commissioner **Bailey** , moved for approval,
of the petition. The motion was seconded by Commissioner Koehler ,
and upon being put to a vote, the vote was
as follows:

- | | |
|-----------------------------|-----------|
| Peggy L. Ivatt, Chairman | -- ABSENT |
| Ken Spillias, Vice Chairman | -- AYE |
| Dennis L. Koehler, Member | -- AYE |
| Dorothy Wilken, Member | -- AYE |
| Bill Bailey, Member | -- AYE |

The foregoing resolution was declared duly passed and adopted this 8th day of November, 1983 , confirming action of 25th August 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN R. DUNKLE, CLERK

BY: 
Deputy Clerk 

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney